

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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L 062260

NETTIE M. CURRY,

Plaintiff,

COMPLAINT

-against-

06cv8319 (MGC/DFE)

AMERICAN INTERNATIONAL GROUP, INC. PLAN NO.  
502 and AMERICAN INTERNATIONAL LIFE  
ASSURANCE COMPANY OF NEW YORK,

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Defendants.

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Nettie M. Curry, by her attorneys, Dwyer & Brennan, states the following:

1. Nettie M. Curry is an individual who resides in the State of New Jersey.
2. Defendant American International Group, Inc. Plan No. 502 ("the Plan") is an employee benefit plan as defined by the Employee Retirement Income Security Act of 1974, as amended, 29 U.S.C. §1001 *et seq.* ("ERISA"). In the Plan's summary plan description, effective June 1, 2000, the Plan designated its address for service of legal process as 70 Pine Street, New York, NY.
3. Defendant American International Life Assurance Company of New York ("the insurance company") is a corporation organized under the laws of the State of New York.
4. This Court has original jurisdiction under 28 U.S.C. §1331 and 29 U.S.C. §1132.
5. Venue of this action is properly in the Southern District of New York under 29 U.S.C. §1132 (e) (2) because the plan is administered here and both defendants may be found here.
6. In and for some time before May 2001, Ms. Curry was employed by American International Group, Inc. ("AIG"), which established and maintained the Plan to provide long-term disability benefits for its employees.

7. Throughout 2001 and for some time before, Ms. Curry was a participant in the Plan.
8. On or before June 2000, the insurance company issued an insurance policy to AIG to fund the Plan, and assigned number GLT-10761 to that policy ("the Policy").
9. Ms. Curry was insured under the Policy in May 2001 (and for some time before then).
10. In or about October 2001, Ms. Curry made a claim for long-term disability ("LTD") benefits under the Plan and the Policy ("Ms. Curry's LTD claim")
11. The Plan, acting through the insurance company, approved Ms. Curry's LTD claim.
12. Beginning with an effective date of November 13, 2001, the Plan, acting through the insurance company, paid LTD benefits to Ms. Curry for almost three years.
13. By letter dated September 27, 2004, however, the Plan, acting through the insurance company, notified Ms. Curry that she was no longer entitled to receive LTD benefits after September 30, 2004.
14. Ms. Curry has met all her obligations under the terms of the Plan and the Policy.
15. The Plan, acting through the insurance company, wrongly stopped paying LTD benefits to Ms. Curry and also failed to provide a full and fair review of the decision to stop paying those benefits.
16. Ms. Curry has been disabled under the terms of the Plan and the Policy, and, thus, entitled to receive LTD benefits, since May 17, 2001, and she continues to be so.

WHEREFORE, plaintiff demands judgment under 29 U.S.C. 1132(a)(1)(B) against defendants as follows:

- A. An award of money equal to the sum of monthly benefits that defendants have failed to pay since October 1, 2004, plus interest;

- B. A declaration that plaintiff is now disabled under the terms of the Plan and the Policy and remains entitled to future monthly benefits, unless her condition improves so that she is no longer disabled;
- D. An award of costs, disbursements, and attorneys' fees under 29 U.S.C. 1132(g)(1); and
- E. Such other and further relief as this Court may decide is just and proper.

Dated: New York, NY  
10 October 2006

DWYER & BRENNAN

By: \_\_\_\_\_  
Kevin J. Brennan (KB 7687)  
Attorneys for Plaintiff  
7 Dey Street, Suite 1401  
New York, NY 10007  
212.571.4067  
kjbrennan@dwyerbrennan.com

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**Plaintiff,**

**- against -**

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NEW YORK,**

**Defendants.**

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SUMMONS and COMPLAINT

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**Dwyer & Brennan**

*Attorneys for*

*Plaintiff*

*7 Dey Street, Suite 1401*

*New York, NY 10007*

*212.571.4067*

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